

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

IN RE: FACEBOOK, INC. CONSUMER  
PRIVACY USER PROFILE LITIGATION,

This document relates to:

ALL ACTIONS

CASE NO. 3:18-MD-02843-VC-JSC

**STIPULATION AND [PROPOSED]  
ORDER REGARDING SEARCH STRING  
BRIEFING**

By and through their undersigned counsel, the parties hereby stipulate and agree as follows:

1. Whereas, on September 25, the Court issued Pretrial Order 7, which states in relevant part: “On October 16, 2020, the parties shall submit a discovery dispute joint submission that includes no more than 50 of any remaining disputed string searches. The parties are limited to one page of narrative per side per search string. Further, the parties may not attach as exhibits or argue any evidence that was not shared with the opposing party as part of the meet and confer process.”

2. Whereas, the Court informed the Parties at the September 25, 2020 Discovery Conference: “If you get [the Order] and . . . you come up with something else better in the meantime, just submit a stip. . . don’t hesitate to submit a different stip if it works better.” September 25, 2020, Hr’g Tr. at 37:21-25.

3. Whereas, the Parties agree that submitting a joint brief on October 16, 2020, would be difficult logistically in view of the length and complexity of the anticipated briefing and the short amount of time the parties have to prepare their respective portions.

4. Whereas, Facebook anticipates that (i) the search terms the parties will brief and some of the documents the parties may attach or cite may include confidential Facebook information and (ii) the parties may not have sufficient time in advance of their filings to coordinate on which aspects of their filings require redactions and/or sealing.

**THE PARTIES THEREFORE STIPULATE AND AGREE AS FOLLOWS:**

1. On October 16, 2020, Plaintiffs and Facebook will each separately submit their respective briefs addressing any remaining disputed search strings, identified under the process outlined in Pretrial Order 7. Consistent with Pretrial Order 7, the parties hereby agree that they are limited to one page of narrative per side per disputed string, exclusive of the competing proposed strings and respective hit counts which each side may present in their preferred format (e.g., on a separate slip sheet or otherwise). The parties further agree that each side is limited to no more than three pages of introductory narrative. Consistent with the terms of Pretrial Order 7,

the parties may not attach as exhibits or argue any evidence that was not shared with the opposing party as part of the meet and confer process.

2. Each party will temporarily file under seal: (i) its brief regarding search strings, (ii) any documents marked “Confidential” or “Highly Confidential—Attorneys Eyes Only” filed as exhibits; and (iii) any documents including the text of search terms or particular Facebook employees’ job functions filed as exhibits. By October 23, 2020, Facebook will file a motion to permanently seal any portions of the parties’ submissions it determines should remain under seal, or be redacted.

Dated: October 16, 2020

**KELLER ROHRBACK LLP**

By: /s/ Derek W. Loeser  
Derek W. Loeser

Derek W. Loeser (admitted *pro hac vice*)  
Lynn Lincoln Sarko (admitted *pro hac vice*)  
Gretchen Freeman Cappio (admitted *pro hac vice*)  
Cari Campen Laufenberg (admitted *pro hac vice*)  
David J. Ko (admitted *pro hac vice*)  
Benjamin Gould (SBN 250630)  
Adele Daniel (admitted *pro hac vice*)  
1201 Third Avenue, Suite 3200  
Seattle, WA 98101  
Tel.: (206) 623-1900  
Fax: (206) 623-3384  
dloeser@kellerrohrback.com  
lsarko@kellerrohrback.com  
gcappio@kellerrohrback.com  
claufenberg@kellerrohrback.com  
dko@kellerrohrback.com  
bgould@kellerrohrback.com  
adaniel@kellerrohrback.com

Christopher Springer (SBN 291180)  
801 Garden Street, Suite 301  
Santa Barbara, CA 93101  
Tel.: (805) 456-1496

Respectfully submitted,

**BLEICHMAR FONTI & AULD LLP**

By: /s/ Lesley E. Weaver  
Lesley E. Weaver

Lesley E. Weaver (SBN 191305)  
Anne K. Davis (SBN 267909)  
Joshua D. Samra (SBN 313050)  
Matthew P. Montgomery (SBN 180196)  
Angelica M. Ornelas (SBN 285929)  
555 12th Street, Suite 1600  
Oakland, CA 94607  
Tel.: (415) 445-4003  
Fax: (415) 445-4020  
lweaver@bfalaw.com  
adavis@bfalaw.com  
jsamra@bfalaw.com  
mmontgomery@bfalaw.com  
aornelas@bfalaw.com

Fax: (805) 456-1497  
cspringer@kellerrohrback.com

*Co-Lead Counsel for Plaintiffs*

DATED: October 16, 2020

Deborah Stein (SBN 224570)  
dstein@gibsondunn.com  
333 South Grand Avenue  
Los Angeles, CA 90071-3197  
Telephone: 213.229.7000  
Facsimile: 213.229.7520

Kristin A. Linsley (SBN 154148)  
klinsley@gibsondunn.com  
Martie Kutscher (SBN 302650)  
mkutscherclark@gibsondunn.com  
GIBSON, DUNN & CRUTCHER LLP  
555 Mission Street, Suite 3000  
San Francisco, CA 94105-0921  
Telephone: 415.393.8200  
Facsimile: 415.393.8306

*Attorneys for Defendant Facebook, Inc.*

Respectfully submitted,

**GIBSON, DUNN & CRUTCHER, LLP**

By: /s/ Orin Snyder  
Orin Snyder (*pro hac vice*)  
osnyder@gibsondunn.com  
GIBSON, DUNN & CRUTCHER LLP  
200 Park Avenue  
New York, NY 10166-0193  
Telephone: 212.351.4000  
Facsimile: 212.351.4035

Joshua S. Lipshutz (SBN 242557)  
jlipshutz@gibsondunn.com  
GIBSON, DUNN & CRUTCHER LLP  
1050 Connecticut Avenue, N.W.  
Washington, DC 20036-5306  
Telephone: 202.955.8500  
Facsimile: 202.467.0539

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

DATE: \_\_\_\_\_

\_\_\_\_\_

United States Magistrate Judge Jacqueline Corley

**SIGNATURE ATTESTATION**

Pursuant to Local Rule 5-1(i)(3), I attest that concurrence in the filing of this document has been obtained.

DATED: October 16, 2020

By: /s/ Orin Snyder  
Orin Snyder

**CERTIFICATE OF SERVICE**

I, Orin Snyder, hereby certify that on September 25, 2020, I electronically filed the foregoing with the Clerk of the United States District Court for the Northern District of California using the CM/ECF system, which shall send electronic notification to all counsel of record.

By: /s/ Orin Snyder  
Orin Snyder